

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

EDGAR SULLIVAN)
)
Plaintiff,) Case No. CIV-22-706-D
v.)
)
UNITED SECURITY HEALTH AND)
CASUALTY INSURANCE CO.,)
)
Defendant.)

ORDER

On March 21, 2023, counsel for Plaintiff, Steven Mansell and Zachary Housel, filed an unopposed Motion for Leave to Allow Withdrawal as Attorneys of Record for Plaintiff. *See* [Doc. No. 16]. The motion detailed that Plaintiff, for several months, failed to respond to counsel's repeated attempts to contact him. This lack of communication caused counsel to miss certain deadlines set forth in the Court's scheduling order. *See* [Doc. Nos. 13, 15]. Accordingly, counsel requested to withdraw "due to a complete [lack] of communication" with their client. *See* [Doc. No. 16].

The Court granted the motion. *See* 3/22/2023 Order [Doc. No. 17]. In its order granting the motion, the Court directed Plaintiff to appear by other counsel or *pro se* no later than April 24, 2023.¹ On May 8, 2023, the Court, acting *sua sponte*, entered another order noting Plaintiff's failure to appear by other counsel or *pro se*. *See* [Doc. No. 20]. The order also stated: "In the event Plaintiff does not appear by other counsel or *pro se* on or

¹ The Court's order also directed that subsequent papers continue to be served upon counsel for forwarding purposes until Plaintiff appeared by other counsel or *pro se*.

before May 31, 2023, this matter may be dismissed without prejudice.” *See id.* Despite this warning, to date, Plaintiff has failed to appear *pro se* or by other counsel.

Pursuant to Fed. R. Civ. P. 41(b), “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.” On June 16, 2023, Defendant United Security Health and Casualty Insurance Company filed a Motion to Dismiss, which is now before the Court. *See* [Doc. No. 21]. The motion is unopposed within the time period set forth by LCvR7.1(g).

Upon consideration, the Court finds that the motion should be **GRANTED**. Plaintiff has failed to appear either *pro se* or by other counsel and thus, failed to prosecute his action and comply with the Court’s orders. Pursuant to Fed. R. Civ. P. 41(b), Plaintiff’s case is **DISMISSED WITHOUT PREJUDICE**. A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 10th day of July, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge